

## REMARKS

Prior to the present amendment, claims 1-46 and 51-55 were pending. In a Restriction Requirement mailed September 22, 2006, the Office restricted the claims under 37 C.F.R. § 1.499 into two groups: Group I, claims 1-38, 51, and 52, drawn to peptide products; and Group II, claims 39-46 and 53-55, drawn to methods of modulating gap junction communication. The Office asserts that the claimed peptide products encompass peptides disclosed in Seki et al., *Agric. Biol. Chem.* 54(7):1811-1818, 1990. On this basis, the Office states that the claimed peptide products and methods of treatment do not define a single inventive concept under PCT Rule 13.1 because these groups are alleged to lack the same or corresponding special technical feature.

In addition, the Office is requiring a species selection of a single peptide, if Group I is selected, or selection of a single disclosed disease or condition, if Group II is selected. Applicants provide an amended set of claims and their response to the Restriction Requirement below.

### Amendments to the claims

Claim 1 has been amended, claims 2-55 have been canceled, and new claims 56-88 have been added. Claim 1 has been amended to recite “d is 0.” Support for this change is found, for example, in original claim 1. Support for new independent claim 57, which recites the language of original claim 1 and “wherein said peptide comprises at least one

D amino acid” is found, for example, in original claim 1 and at page 8, lines 7-9, of the specification. Support for new independent claim 59, which recites the language of original claim 1 and “z is 1, 2, 4, 5, 6, or 7,” is found, for example, in original claim 1. Amended claim 1 and new claims 56-83 and 85 recite “pharmaceutically acceptable salt.” Support for this change may be found, for example, at page 31, line 4, of the specification. Additional support for new dependent claims 56, 58, and 60-88 is detailed in the table below. All page and line numbers in the table refer to the specification of the above-captioned application. No new matter has been added by the present amendment.

New Claim Number	Exemplary Support
56, 58, and 60	Original claim 8
61-63	Original claims 2-4, respectively
64 and 65	Original claims 6 and 7, respectively
66	Original claim 9
67	Original claim 12
68	Page 6, lines 7-12
69	Original claim 16
70 and 71	Original claims 18 and 19, respectively
72 and 73	Original claims 21 and 22, respectively
74	Original claim 27
75-82	Table 1, pages 13-16
83 and 84	Original claims 51 and 52, respectively

85-88	Page 31, lines 22-28 and page 32, line 16 through page 33, line 8
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Reply to Restriction Requirement

In reply to the Restriction Requirement, applicants elect the invention of Group I, claims 1 and 56-84, which are drawn to peptide products and pharmaceutically acceptable salts thereof. This election is made with traverse. Independent claim 1, as amended, and new independent claims 57 and 59 are drawn to peptide products not taught by Seki. As Seki forms the basis for the Office's asserted lack of unity, applicants submit the invention as claimed represents a single general inventive concept under PCT rules 13.1. Thus, no restriction should be required under 37 C.F.R. § 1.499. Applicants respectfully request that the requirement for restriction be withdrawn.

New claims 85-88, directed methods of treatment, depend from and require all limitations of elected claims 1, 57, and 59. Should the Office disagree with applicants' position and maintain the requirement for restriction, applicants reserve the right for rejoinder of these claims upon allowance of the peptide product claims. M.P.E.P. § 821.04(b).

The Office is further requiring a species selection of a peptide selected from the peptides of Formulas I and II. Applicants therefore elect four compounds, Compounds 21-23 and 54 as identified in Table 1 of the specification, for initial examination. The four compounds read on claims 1, 56-62, 65, 66, 68-74, and 83-88. Compounds 21, 22,

and 54 also read on claims 63, 64, and 67. Compounds 21-23 also read on claims 77 and 78. Compound 54 also reads on claims 79 and 80. This election is made without traverse. The elected compounds are H-D-Lys(benzoyl)-Gly-OH peptides with or without a substitution at the 4 position of the aromatic ring. As these peptides represent closely related structures, applicants submit it would not present an undue burden on the Office to examine these four compounds.

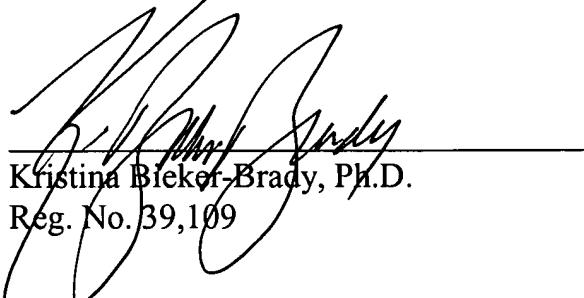
To the extent that the Office disagrees with applicants' position, Applicants elect Compounds 21 for initial examination. This election is made with traverse, for the reasons outlined above.

## CONCLUSION

Enclosed is a Petition to extend the period for replying to the Restriction Requirement for five (5) months, to and including March 22, 2007, and a check in payment of the required extension fee.

If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

  
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